

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 05-4036**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DEANN HOLLOWAY,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (CR-01-670)

---

Submitted: May 12, 2005

Decided: May 17, 2005

---

Before TRAXLER, KING, and SHEDD, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

David W. Plowden, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Jonathan Scott Gasser, Acting United States Attorney, Columbia, South Carolina, William Corley Lucius, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Deann Holloway appeals the district court's judgment revoking a probation sentence on her conviction for conspiring to defraud the United States in violation of 18 U.S.C. § 371 (2000), and resentencing her to ten months in prison followed by two years of supervised release. Holloway's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no meritorious legal issues but arguing the district court abused its discretion. Holloway has been informed of her right to file a pro se supplemental brief but has not done so.

We review a district court's judgment revoking a probation sentence for abuse of discretion. Burns v. United States, 287 U.S. 216, 222 (1932). Upon finding a probation violation, the district court may revoke probation and resentence the defendant to any sentence within the statutory maximum for the original offense. 18 U.S.C. § 3565(a) (2000); United States v. Schaefer, 120 F.3d 505, 507 (4th Cir. 1997). Holloway's sentence fell within the guidelines range of 4-10 months and was clearly below the five year statutory maximum. Thus, we find the district court did not abuse its discretion.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We, therefore, affirm the district court's judgment. This court requires that counsel inform his client, in writing, of her

right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decision process.

AFFIRMED